

1 UNITED STATES DISTRICT COURT
2 EASTERN DISTRICT OF NEW YORK

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4 16 CV 5861 (NG) (RER)
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7 HENS RODRIGUEZ,

8 Plaintiff,

9 -against-

10 CITY OF NEW YORK; Police Office ZHENG ZUOPENG,
11 Shield No. 25461; and JOHN and JANE DOE 1 through
12 10, individually and in their official capacities
13 (the names John and Jane Doe being fictitious, as
14 the true names are presently unknown),

15 Defendants.

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20 File Name: 201507142_20150923_0957
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1 INVESTIGATOR VELASQUEZ: Okay, today is
2 September 23rd, 2015. And the time is 9:35 a.m.
3 I'm Investigator Velasquez and I am conducting an
4 official investigation into [UNINTEL] 2015,
5 07142, on a complaint on crimes at approximately
6 4:45 p.m. on August 13th, 2015 in the vicinity of
7 102-11 and 43rd Avenue, the following misconduct
8 occurred [UNINTEL].

9 The incident has taken place with a
10 police [UNINTEL] unit [UNINTEL]. Officer, please
11 state your name, rank, shield number and command.

12 OFFICER CHENG: I'm Officer Cheng from
13 the 110 Precinct, shield number 28461.

14 INVESTIGATOR VELASQUEZ: Present also is
15 a legal representative?

16 DORIS FRIEDMAN: Doris Friedman,
17 [UNINTEL] 424, [UNINTEL] attorney.

18 INVESTIGATOR VELASQUEZ: And present for
19 the CCRB.

20 MAN 1: Good afternoon. [UNINTEL].

21 INVESTIGATOR VELASQUEZ: Officer, you
22 are being interviewed as a witness in this
23 matter. Do you wish to make any voluntary
24 statements?

25 OFFICER CHENG: No.

1 INVESTIGATOR VELASQUEZ: Okay. Officer,
2 directing your attention to approximately 4:45
3 p.m. on August 13th, 2015. In your words, can you
4 tell me what happened?

5 OFFICER CHENG: Pretty much we stopped a
6 bicyclist already on 104th Street for going down
7 the wrong way. Because that was our assignment,
8 because we were doing bike initiative that day.

9 INVESTIGATOR VELASQUEZ: Okay.

10 OFFICER CHENG: So my partner, you know,
11 he was writing the summons. And then, I see
12 another bicyclist coming down the wrong way. So I
13 stepped out of the car. I had my hand up and I
14 told him to stop. He sees me, and then he turns
15 around and goes down 43 Avenue. So you know, we
16 got--I got back into the car and we pursued him.

17 And we were on 43 Avenue. By the time
18 we got to 102 Street, we were alongside the
19 bicyclist. And we cut him off. And at that point,
20 the bicyclist, I guess he lost control somehow.
21 He hit the parked car and then heard us, you
22 know, [UNINTEL].

23 But we never at all like, touched the
24 bicyclist at all. And you know, once we stopped,
25 we got out of the car. I tried to help him up,

1 patrol of the bicycle stops, when you first saw
2 Mr. Rodriguez?

3 OFFICER CHENG: Yes.

4 INVESTIGATOR VELASQUEZ: Okay. And who
5 was doing that? Was it you or your partner?

6 OFFICER CHENG: The initial stops?

7 INVESTIGATOR VELASQUEZ: The initial
8 stop, yes.

9 OFFICER CHENG: We both were.

10 INVESTIGATOR VELASQUEZ: Oh.

11 OFFICER CHENG: He was right in front of
12 me.

13 INVESTIGATOR VELASQUEZ: Okay. And who
14 was driving the unmarked car that you were in?

15 OFFICER CHENG: My partner.

16 INVESTIGATOR VELASQUEZ: Okay. And for
17 the record, where were you seated in the vehicle?

18 OFFICER CHENG: The passenger side.

19 INVESTIGATOR VELASQUEZ: The front
20 passenger?

21 OFFICER CHENG: Yeah.

22 INVESTIGATOR VELASQUEZ: And were there
23 any other officers in your vehicle?

24 OFFICER CHENG: No.

25 INVESTIGATOR VELASQUEZ: Okay. Okay. And

1 Okay. Okay. And about how many blocks did you
2 have to chase him?

3 OFFICER CHENG: Just one block.

4 INVESTIGATOR VELASQUEZ: One block?
5 Okay. And did your partner [UNINTEL] with the
6 vehicle to have [UNINTEL] Mr. Rodriguez stop, so
7 like, turn on the sirens or the lights of the
8 vehicle?

9 OFFICER CHENG: I don't recall.

10 INVESTIGATOR VELASQUEZ: No?

11 OFFICER CHENG: Yeah.

12 INVESTIGATOR VELASQUEZ: Okay. And let's
13 see. And what about honking? Did your partner
14 honk the vehicle?

15 OFFICER CHENG: No, we turned on the
16 sirens--

17 INVESTIGATOR VELASQUEZ: The sirens of
18 the vehicle were on?

19 OFFICER CHENG: Yes.

20 INVESTIGATOR VELASQUEZ: Okay.

21 OFFICER CHENG: I don't remember if the
22 lights were on. I don't recall.

23 INVESTIGATOR VELASQUEZ: Okay, but you
24 did have the sirens?

25 OFFICER CHENG: Yes.